

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 1, 1951.  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

## Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Absent: None

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Johnson moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be adopted as read in the Clerk's report. Upon being duly seconded by Councilman Long, the motion was unanimously adopted by the Council and the minutes so approved.

MR. RIP PENN, appeared before the Council, with the suggestion that the parkways in the first two blocks of East 12th be removed and a curb constructed in the middle and that parking be permitted. He stated this would help the traffic situation and still not take away from the appearance of the approach to the Capitol as these little parkways now were not landscaped, and this street was not widely used. The Council directed this matter to the City Manager to refer to the Traffic Department and see what could be worked out.

MR. JOHN STULLKEN, American Legion, appeared before the Council stating the American Legion was sponsoring a small Circus, and they would like to obtain permission to keep the Circus here for two days instead of just one as the ordinance now provided. Councilman Johnson moved that the ordinance be amended to allow HOME SPONSORED circuses to operate two days in the City. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

DR. BEN PRIMER, City Health Officer; CHIEF R. D. THORP, Chief of Police; and DR. KENNETH S. YOUNG, State Health Department, came before the Council presenting the situation about the out-break of rabies in the City and asked that the Council again put a quarantine on all dogs. They asked that immediate action be taken for at least 90 days or it might be necessary for a two-year quarantine later.

The Mayor then introduced the following ordinance:

AN ORDINANCE PREVENTING THE RUNNING AT LARGE OF ANY DOG, LICENSED OR UNLICENSED, IN THE CITY OF AUSTIN, TEXAS, UNTIL AFTER THE 31ST DAY OF MAY, 1951; DEFINING CERTAIN WORDS AND PHRASES USED IN THE ORDINANCE; MAKING THIS ORDINANCE CUMULATIVE OF THE CERTAIN ORDINANCE REGULATING THE LICENSING AND VACCINATION AND IMPOUNDING OF DOGS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN JULY 1, 1943 AND RECORDED IN BOOK "L", PAGES 331-337, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; PRESCRIBING CERTAIN PENALTIES; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Drake moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the second time, and Councilman Drake moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the third time, and Councilman Drake moved that the ordinance be finally passed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The following report by the Director of Public Works on tabulation of bids for the construction of a sewage lift station in Zilker Park was submitted by the City Manager:

"Memorandum to: Walter Seaholm, City Manager February 23, 1951

Memorandum from: C. G. Levander, Director of Public Works

"Following is a tabulation of the bids received at 10:00 a.m., February 23, 1951 for the construction of a sewage lift station in Zilker Park, known as Contract "Q":

J. C. Gilstrap	\$ 14,190.50
R. W. Smith Construction Co.	15,736.00
Earl Rogers	17,402.00
Paul Keller	18,300.00
Archie C. Fitzgerald	21,777.00
Richard Schmidt & Son	22,681.00
Joe Bland Construction Co.	24,000.00
John Broad Construction Co.	32,877.00

The City's estimate amounted to \$15,000.00

J. C. Gilstrap is low bidder and I recommend that he be awarded the contract.

(Sgd) C. G. Levander"

Councilman MacCorkle then offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on February 23, 1951, bids were received by the City of Austin for the construction of a sewage lift station in Zilker Park, known as Contract "Q"; such bids being as follows:

J. C. Gilstrap	\$ 14,190.50
R. W. Smith Construction Co.	15,736.00
Earl Rogers	17,402.00
Paul Keller	18,300.00
Archie C. Fitzgerald	21,777.00
Richard Schmidt & Son	22,681.00
Joe Bland Construction Co.	24,000.00
John Broad Construction Co.	32,877.00

and

WHEREAS, the bid of J. C. Gilstrap in the sum of \$14,190.50 was the lowest and best bid, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of J. C. Gilstrap be and the same is hereby accepted, and

W. E. Seaholm, City Manager, is authorized and directed to execute a contract with J. C. Gilstrap for the construction of the sewage lift station on the basis of his bid of \$14,190.50.

The motion, seconded by Councilman Long, carried by the following vote:  
 Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
 Noes: None

The following report by the Director of Public Works on tabulation of bids for the construction of sanitary sewers in the Interstate Highway was submitted by the City Manager:

"Memorandum to: Walter Seaholm, City Manager February 23, 1951

Memorandum from: C. G. Levander, Director of Public Works

"Following is a tabulation of the bids received at 10:00 a.m., February 23, 1951 for the construction of sanitary sewers in the Interstate Highway from a point north of East 46th Street to East 53rd Street and in that portion of Inwood Hills west of Paramount Avenue, known as Contract "R":

R. W. Smith Construction Co.	\$ 18,848.60
Karl Wagner	20,979.70
Joe Bland Construction Co.	22,586.35

The City's estimate amounted to \$20,478.00

R. W. Smith Construction Company's bid of \$18,848.60 is low and I recommend that they be awarded the contract.

(Sgd) C. G. Levander "

Councilman MacCorkle then offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on February 23, 1951, bids were received by the City of Austin for the construction of sanitary sewers in the Interstate Highway from a point north of East 46th Street to East 53rd Street and in that portion of Inwood Hills west of Paramount Avenue, known as Contract "R", such bids being as follows:

R. W. Smith Construction Co.	\$ 18,848.60
Karl Wagner	20,979.70
Joe Bland Construction Co.	22,586.35

and

WHEREAS, the bid of R. W. Smith Construction Company in the sum of \$18,848.60 was the lowest and best bid, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of R. W. Smith Construction Company be and the same is hereby accepted, and W. E. Seaholm, City Manager, is authorized and directed to execute a contract with R. W. Smith Construction Company for the construction of these sanitary sewers on the basis of their bid of \$18,848.60.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the alteration of a building located at 506-10 Congress Avenue and desires a portion of the sidewalk and street space abutting on the south 30 feet of Lot 3 and part of Lot 2, Block 55, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

SIDEWALK AND STREET WORKING SPACE

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue to a point 12 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 37 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the east line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted along the pavement within the walkway, and at any time

in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3). That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4). That "No Parking" signs shall be placed on the street side of the barricades.

(5). That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, redlights during all periods of darkness and provide lighting system for all tunnels.

(9). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than July 1, 1951.

(10). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Drake, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with William J. Joseph, and wife, Wynona Joesph, in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of indentification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (Filed in General File under "Water Mains Extensions", 1951) Also File No. 494-C)

The motion, seconded by Councilman Drake, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property located on the southwest corner of East 5th and Navasota Streets as a private gasoline plant, which property is owned by Yarbrough Construction Company and is designated as the H. & T.C. Railroad Company Tract, Outlot 3, Division O, in the City of Austin, Travis County, Texas, and hereby authorizes the said Yarbrough Construction Company, through S. O. Yarbrough, to operate a private gasoline plant consisting of a 3000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after

full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said S. O. Yarbrough has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas

March 1, 1951

"Mr. Walter E. Seaholm  
City Manager  
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Yarbrough Construction Company, through S. O. Yarbrough, for permission to operate a private gasoline plant consisting of a 3000 gallon underground tank and electric pump for the sole purpose of servicing their own equipment and from which no gasoline is to be sold, which property is located on the southwest corner of East 5th and Navasota Streets, and is designated as the H. & T.C. Railroad Company Tract, Outlot 3, Division O, in the City of Austin, Travis County, Texas, and locally known as 410 Navasota Street.

"This property is located in a "D" Industrial District and I recommend that this permit be granted subject to the following conditions:

- (1). That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriter's Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- (2). That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.
- (3). That "No Smoking" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4). That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,  
(Sgd) J. C. Eckert  
Building Inspector "

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B-1" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LONGVIEW AND WEST 24th STREETS, BEING LOTS 13 AND 14, OUTLOTS 41,42, DIVISION "D", LONGVIEW TERRACE, AND LOCALLY KNOWN AS 2315-2317 LONGVIEW STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the second time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the third time, and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED

BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOT 9, BLOCK 8, OUTLOT 32, DIVISION "B", GLENWOOD ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the second time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the third time, and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY

ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON THE NORTH 29½ FEET OF LOT 12, ALL OF LOTS 13, 14, 15 AND 16, BLOCK 14, SWISHER ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the second time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the third time, and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in AVENUE B, from a point 183 feet south of West 40th Street northerly 257 feet, the centerline of which gas main shall be 13.5 feet west of and parallel to the east property line of said AVENUE B.

Said gas main described above shall a cover of not less than 2½ feet.

(2) A gas main in WEST 40TH STREET, from a point 69 feet west of Avenue B westerly 228 feet, the centerline of which gas main shall be 16 feet north of and parallel to the south property line of said WEST 40TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in WEST 40TH STREET, from a point 30 feet east of Avenue A easterly 5 feet, the centerline of which gas main shall be 10 feet north of and parallel to the south property line of said WEST 40TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in WEST 40TH STREET, from Bull Creek Road to Jackson Avenue, the centerline of which gas main shall be 7.5 feet north of and parallel to the south property line of said WEST 40TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in EAST 5TH STREET, from a point 165 feet east of Pedernales Street westerly 165 feet, the centerline of which gas main shall be 12 feet north of and parallel to the south property line of said EAST 5TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(6) A gas main in EAST 7TH STREET, from a point 57 feet east of the east right-of-way line of H. & T.C. Railroad westerly 130 feet, the centerline of which gas main shall be 8.5 feet south of and parallel to the north property line of said EAST 7TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(7) A gas main in MORELOS STREET, from East 7th Street westerly 130 feet, the centerline of which gas main shall be 12 feet south of and parallel to the north property line of said MORELOS STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(8) A gas main in EAST 7TH STREET, from a point 25 feet west of Morelos Street easterly 95 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 7TH STREET.

Said gas main described above shall have a cover of

not less than  $2\frac{1}{2}$  feet.

(9) A gas main in HALFPENNY ROAD, from a point 108 feet north of East  $38\frac{1}{2}$  Street southerly 20 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said HALFPENNY ROAD.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the locations of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Johnson, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, utility easements five (5) feet in width along certain lot lines were reserved and dedicated to the public on the map or plat of Skyview, Section 1, a subdivision of a portion of the James P. Wallace Survey within the City of Austin, Travis County, Texas; and

WHEREAS, the portions of such easements hereinafter described are not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the portions of such easements as follows:

The south five (5) feet of the east 80.39 feet of Lot 90 and the north five (5) feet of the east 80.39 feet

of Lot 91, in Skyview, Section 1, a subdivision of the James P. Wallace Survey within the City of Austin, Travis County, Texas, according to the map or plat of said subdivision of record in Book 5, page 111 of the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Cherrywood Annex", approved by the City Plan Commission of the City of Austin on December 14, 1950, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilmen Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The Mayor introduced the following ordinance:

AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD APRIL 2, 1951, FOR THE PURPOSE OF ELECTING FIVE COUNCILMEN OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 1, 1951; DESIGNATING THE POLLING PLACES IN THE VARIOUS WARDS; AND PROVIDING THE PROCLAMATION OF SAID ELECTION.

Councilman Long moved that an amendment be made to the ordinance, that at the time the Election is called for the purpose of electing five Councilmen, that one be held on the firemen and policemen petition (filed with the City Clerk in August, 1950, ) signed by 6000 citizens requesting increased salaries for the firemen and policemen. The City Attorney expressed his hope that no action would be taken on the amendment, which would prevent a final decision on the important law point involved in this law suit, as this decision was vital to every city in Texas to know what the law is in this field; and if the Council did anything which would make moot any part of this case, then the City would have lost its opportunity to have the Courts determine this. Councilman Long's motion lost for a lack of a second.

The Mayor then submitted the ordinance as follows:

AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD APRIL 2, 1951, FOR THE PURPOSE OF ELECTING FIVE COUNCILMEN OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 1, 1951; DESIGNATING THE POLLING PLACES IN THE VARIOUS WARDS; AND PROVIDING THE PROCLAMATION OF SAID ELECTION.

The ordinance was read the first time, and Councilman Drake moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the second time, and Councilman Drake moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The ordinance was read the third time, and Councilman Drake moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The Mayor then announced that the ordinance had been finally passed.

The Mayor presented the following report:

THE CITIZENS' COMMITTEE FOR PERMANENT BEAUTIFICATION OF  
AUSTIN

Austin, Texas  
February 13, 1951

"The Honorable Mayor and The City Council  
City Hall  
Austin, Texas

Dear Council Members:

"Plans for a permanent beautification program in Austin are progressing, with keen interest being shown by a representative group from Social, Civic, Professional, Patriotic and Public Health Clubs who have made certain plans and adopted certain 'Aims' in meetings held recently.

"The following 'Aims' were adopted at the February 12th meeting:-

- a. To serve as a Clearing House for ideas and projects to beautify a greater Austin.
- b. To instigate and coordinante action on general and specific projects.

"Committees were approved as follows:-

- a. Education and Publicity
- b. Safety of Street Corners
- c. Trees
- d. Highway and Boulevard Beautification
- e. Parks and Playgrounds
- f. School Grounds, Historical Spots, etc.
- g. Sidewalks and Public Property
- h. Public Health

"The following recommendations were made to be submitted to the City Council for approval:-

1. Park and Recreation Board to be appointed by the City Council
2. A continuance of pecan tree planting in Austin by the planting of 100 pecan trees before March 1, 1951. To date, 17 organizations have contributed or pledged approximately \$170.00 toward buying pecan trees for City planting.
3. That we ask for the approval by the City Council of a plan to place trash disposal containers, without advertising, four to each block, on Congress Avenue, to take care of an unsightly display of papers, etc., now being thrown or swept to sidewalks and Avenue. The general plan is for the merchants to share the expense of the containers and the City to install them.
4. Possibility of a City Nursery and Botanical Garden being established in Zilker Park.

"We hope that this report meets with your approval. An expression from you will be appreciated.

Sincerely yours,  
(S) Boyce Campbell, Chairman

(S) Bess O. Beeman, Secretary-Treasurer

(S) Mrs. Alden Davis, Co-Chairman

Councilman Johnson moved that this nice report be sent to the Planning Commission for study with the request that the Planning Commission report back to the Council in two weeks. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

In line with this report, pertaining to placing trash disposal containers on the streets, Councilman Long asked that the City Manager have an ordinance prepared to cover such placing of trash disposal containers on the streets.

Mayor Glass stated it was his desire to have the Planning Commission make a study of extending West 15th Street; a study of the river situation; and a study of the approaches to the bridge, to be constructed. Councilman Johnson then moved that the Planning Board make a study of extending 15th Street on to Enfield Road, and the approaches to the new bridge, and also the deepening and

widening of the river banks, and that the Commission have a report back on this in two weeks. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Mayor Glass submitted the name of MR. WALTER KOCH, as a nomination to fill the vacancy on the Planning Board, by the resignation of GEORGE WALLING. He stated Mr. Koch was a member of the School Board, and that that would tie in the planning of the schools with the City Planning Commission. Councilman Johnson moved that MR. WALTER KOCH be appointed to the Planning Commission to fill the vacancy left by MR. GEORGE WALLING who resigned. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Johnson submitted the following letter addressed to him under date of February 22, 1951:

"My neighborhood is in a very dire need of a street light. Since I do not know the procedure in bringing this need to the proper City Official, I am writing to you in hopes that you will see that it is brought to the attention of the property authority.

"The street that needs this light so badly is Salina Street between East 11th Street and Rosewood Avenue. About one-half block south of Rosewood Avenue on Salina Street is a creek. At night this creek bed is very dark and the narrow bridge that spans the creek is barely visible. This is a very dangerous situation. Also, the creek bed is now being used for some undesirable purposes that night-time illumination would certainly prevent. Some of the people out here in the neighborhood are afraid to walk down Salina Street at night.

"I would appreciate it very much if you would see that this request for a street light reaches the proper authorities.

Sincerely yours,  
(S) Willie Stark  
1801 Rosewood Avenue, Austin, Texas"

The Council referred this request to the City Manager to look into and see what could be done.

COUNCILMAN DRAKE made inquiry about the city's obligation to cover taxes when tax certificates had been issued stating there were no taxes due, and then it was found the certificates had been issued in error. He stated two had come to his attention; and he felt these errors would tend to make these certificates of no value. He asked if the 50¢ fee charged could be set up in a special fund to cover these errors. There was a general discussion. The City Attorney stated these two errors were unusual; that only two had been called to his attention in the past. MR. CLIFFORD STOHL explained that in many times, people called for

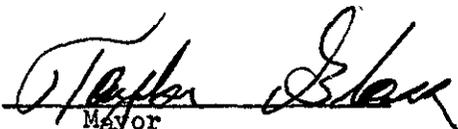
these certificates and gave the wrong legal description; and that in one of these cases, there was a mix up in the legal description, in that one man sold to one party and then took part of the property and resold it; and the Tax Department did not have the new field notes. Mr. Stohl stated these certificates were checked three times. The Council asked that this certificate matter be looked into with regard to setting up a special fund to take care of certain errors that might occur.

The Council discussed the time of meeting of the "briefing session" to be held WEDNESDAY NIGHT, March 7th, at the Council Chamber at 7:30.

Councilman MacCorkle made inquiry about improvements at the Municipal Airport. It was stated some improvements had been made, but at the present, the City was waiting for the Federal Funds to be reallocated.

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk